

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7662 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SATISHKUMAR D PARMAR

Versus

CHIEF POST MASTER GENERAL (PLI)

Appearance:

MR TR MISHRA for Petitioner

MR AK CLERK for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 27/11/98

ORAL JUDGEMENT

RULE.

Industrial Tribunal (Central), Ahmedabad, by the impugned award dated 22.10.1997, has rejected Reference ITC No.17/96 on the ground that the Postal Department is not an 'industry'. In arriving at the said conclusion, the Tribunal has placed reliance on a decision of the

Apex Court in the case of Bombay Telephone Canteen Employees Association v. Union of India. reported in (1997) 6 SCC 723 and in the case of Sub-Divisional Inspector of Post, Vaikom v. Theyyam Joseph, reported in (1996) 8 SCC 489. It is not in dispute that both the judgments do not hold good in view of the latest decision of the Apex Court in the case of General Manager, Telecom v. Srinivasa Rao, reported in (1997) 8 SCC 767.

2. In view of the aforesaid, this Special Civil Application is allowed. The award dated 22.10.1997 passed by the Industrial Tribunal (Central), Ahmedabad is quashed and set aside. The Tribunal is directed to answer the Reference afresh on its merits. Rule made absolute.

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